

for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).¹ No objections have been filed to the magistrate judge's report and recommendation. A letter was received from the plaintiff on January 20, 2006, asking for additional time. As of the date of this order, nothing additional has been filed by plaintiff.

A de novo review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation is affirmed, the plaintiff's motion for a preliminary injunction is **denied**; plaintiff's motion for default judgment is **denied**; defendants' motion in opposition to declaration for entry of default or, in the alternative, motion to set aside entry of default is **denied** as moot; and defendants' motion for summary judgment is **granted**.

AND IT IS SO ORDERED.



David C. Norton
United States District Judge

Charleston, South Carolina
March 1, 2006

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules

¹In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of what is required.'" Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the consequences at the appellate level of his failure to object to the magistrate judge's report.

3 and 4 of the Federal Rules of Appellate Procedure.